

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NICOLE MILLER, LTD. d/b/a KOBRA  
INTERNATIONAL, LTD., a New York  
Corporation,

Plaintiff,

- against -

BOSTON PROPER, INC., a Florida  
Corporation; JOHN DOES 1-15; and XYZ  
CORPORATIONS 1-15,

Defendants.

**ECF CASE**

CIVIL ACTION NO. 07-CV-9894 (VM)

**STIPULATION AND**

**ORDER**

WHEREAS, Plaintiff Kobra International, Ltd. d/b/a Nicole Miller, Ltd. ("Plaintiff") filed its Complaint on November 8, 2007 against Defendant Boston Proper, Inc. ("Defendant" or "Boston Proper"), John Does 1-15 and XYZ Corporations 1-15 alleging (a) copyright infringement in violation of the Copyright Law, 17 U.S.C. §§501, *et. seq.*; (b) unfair competition and false designation of origin in violation of 15 U.S.C. §1125(a); (c) unlawful and deceptive acts and practices in violation of N.Y. Gen. Bus. Law §349; and (d) unfair competition under the laws of the State of New York (the "Action");

WHEREAS, Boston Proper filed its Third Party Complaint against Third Party Defendant Richie Tailor, Inc. ("Richie Tailor") on December 27, 2007 seeking, among other things, indemnification for any and all liability, loss or expense, including costs and counsel fees, incurred by Boston Proper as a result of Plaintiff's claims in the Action;

WHEREAS, on information and belief, Plaintiff has identified XYZ Corporation  
I as Richie Tailor and now seeks to add it as a Defendant in the Action;

WHEREAS, the Complaint as originally filed contained certain typographical  
errors, including in the caption where the name of Plaintiff Kobra International, Ltd. d/b/a  
Nicole Miller, Ltd. was transposed to "Nicole Miller, Ltd. d/b/a Kobra International,  
Ltd.";

WHEREAS, the parties agree that the typographical errors in the original  
Complaint were not prejudicial to Defendant;

Subject to the approval of the Court, it is HEREBY STIPULATED AND  
AGREED, by and among the parties, as follows:

1. Defendant consents to the service and filing by Plaintiff of the First  
Amended Complaint in the form annexed hereto as Exhibit A;
2. The First Amended Complaint shall be deemed filed and served on  
Defendant as of the date of this Stipulation;
3. Plaintiff consents to extend Defendant's time to answer, move or  
otherwise respond to the First Amended Complaint to thirty (30) days from the date this  
Stipulation is SO ORDERED by the Court.

Dated: January 25, 2008

Respectfully submitted,

**AKERMAN SENTERFITT LLP**

**GREENBERG TRAURIG LLP**

By: 

By: 

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*Attorney for Defendant Boston Proper,  
Inc.*


*Attorneys for Plaintiff Kobra International,  
Ltd. d/b/a Nicole Miller, Ltd.*

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SO ORDERED:

1-28-08  
DATE

  
VICTOR M. PARDO, U.S.D.J.